IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 20TH MARCH 2007 / 29TH PHALGUNA 1928

Crl.MC.No. 704 of 2007()

CMP.1096/2007 of JUDL.MAGISTRATE OF FIRST CLASS-II(FOREST OFFENCES),PUNALUR

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PETITIONER: ACCUSED

SALAHUDEEN, S/O. SHAHUL HAMEED,
SALMEN NIVAS, KOLLAYIL P.O.,
CHIRAVAR MURI, CHITHARA VILLAGE.

BY ADV. SRI.ALAN PAPALI
SRI.M.REVIKRISHNAN

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY P.P. SRI. GIKKU JACOB.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 20/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

CRL.M.C.NO. 704 OF 2007

Dated this the 20th day of March, 2007

ORDER

The short grievance of the petitioner is that unnecessary insistence on production of solvency certificates made by the learned Magistrate in the impugned order directing release of a vehicle is unjustified. He prays that the said condition may be set aside. The petitioner shall produce such solvent sureties who can instill the requisite satisfaction in the mind of the court. The rigid insistence that solvency certificates must be produced by the sureties is working out undeserved hardship and inconvenience to the petitioner. This, in short, is the plea.

2. Notice given. The learned Public Prosecutor does not oppose the said request seriously. I am satisfied that rigid insistence on production of solvency certificates need not be made.

3. This Crl.M.C. is, accordingly, allowed. The said condition insisting on invariable production of solvency

certificates by the sureties is set aside. The sureties can instil the requisite satisfaction in the mind of the learned Magistrate about their solvency by producing appropriate documents/records.

SD/-

(R. BASANT, JUDGE)

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P.S. to Judge